

STATE OF CALIFORNIA
REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL COAST REGION

STAFF REPORT FOR REGULAR MEETING OF SEPTEMBER 19-20, 2019

Prepared on June 28, 2019

ITEM NUMBER: TBD

SUBJECT: General Waiver for Specific Types of Discharges, General
Order No. R3-2019-0089 (General Waiver)

STAFF CONTACTS:

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ACTION: Adopt Order No. R3-2019-0089

Key Information

Proposed Order No. R3-2019-0089 will replace Resolution No. R3-2014-0041, *General Waiver for Specific Types of Discharges* (General Waiver). Proposed changes to the renewed General Waiver include an update to terminology relating to trenchless construction drilling muds, the authorization of temporary impacts to riparian or wetland vegetation associated with sediment removal from watercourses with an approved implementation plan, clarification of disposal options for treated groundwater, expansion of the list of authorized injection materials for in-situ remediation, and clarification of cleanup workplan requirements.

Summary

In general, persons who discharge waste that could affect the waters of the state must submit a report of waste discharge and obtain waste discharge requirements. Section 13269 of the California Water Code allows regional water quality control boards to waive the requirements to submit a report of waste discharge and to obtain waste discharge requirements for specific discharges or specific types of discharges. Such waivers must be conditional, in the public interest, and consistent with applicable water quality control plans. Waivers expire after five years but may be renewed by a regional water quality control board. Prior to renewing a waiver for specific types of discharges, also known as a general waiver, the regional water quality control board must review the terms of the waiver at a public hearing. Staff is presenting this item to the Central Coast Water Board to renew the terms of Order No. R3-2014-0041, a general waiver of waste discharge requirements established by the Central Coast Water Board in 2014.

Proposed Order No. R3-2019-0089 will replace Order No. R3-2014-0041, *General Waiver for Specific Types of Discharges* (General Waiver). Staff proposes that the

renewed General Waiver retain the existing discharge categories found in R3-2014-0041, and no new discharge categories are proposed at this time. Proposed changes to the renewed General Waiver include an update to terminology relating to trenchless construction drilling muds, the authorization of temporary impacts to riparian or wetland vegetation associated with sediment removal from watercourses with an approved implementation plan, clarification of disposal options for treated groundwater, expansion of the list of authorized injection materials for in-situ remediation, and clarification of cleanup workplan requirements. The changes are consistent with the renewed General Waiver conditions and the discharges regulated by the renewed General Waiver pose no significant water quality impacts if proposed conditions are met.

BACKGROUND

California Water Code section 13263 provides regional water quality control boards with authority to issue waste discharge requirements for any discharge, other than one into a community sewer system, that could affect the quality of waters of the state. Section 13269 also allows regional water quality control boards to waive the requirement to submit a report of waste discharge and the requirement to obtain waste discharge requirements for specific discharges or for specific types of discharges where such action is in the public interest.

In 2014, the Central Coast Water Board adopted Order No. R3-2014-0041, *General Waiver for Specific Types of Discharges*. In Order No. R3-2014-0041, the Central Coast Water Board conditionally waived waste discharge requirements for the following specific types of discharges:

- Fire sprinkler water
- Inert waste
- Residential swimming pool water
- Water supply discharges
- Water supply well drilling muds
- Residential water supply filter backwash
- In-situ groundwater remediation
- Trenchless construction drilling muds
- Highway grinding slurry
- Highway grooving residues
- Sediment removal from waters of the state
- Treated groundwater
- Monitoring well development and aquifer pumping test water

The updated General Waiver, Order R3-2019-089, includes updates in terminology and requirements related to the above discharge categories.

PROPOSED GENERAL WAIVER

As noted above, proposed changes to the renewed General Waiver include updated terminology relating to trenchless construction drilling muds, authorization of temporary impacts to riparian or wetland vegetation associated with sediment removal from

watercourses with an approved implementation plan, clarification of disposal options for treated groundwater, expansion of the list of authorized injection materials for in-situ remediation, and clarification of cleanup workplan requirements. The continued regulation of the above activities, as proposed in Order No. R3-2019-0089, is in the public interest. Discharges meeting applicable conditions have no significant water quality impacts; therefore, those discharges are more appropriately and efficiently regulated through a general waiver than through individual or general waste discharge requirements.

General waivers allow flexibility to the Central Coast Water Board to direct regulatory resources toward potential problems rather than regulating waste discharges that pose a very low threat to water quality. To use available resources effectively, staff proposes the following procedure in the General Waiver:

1. Reports of waste discharge, waste discharge requirements, and enrollment notification [Water Code sections 13260(a) and (b), 13263(a), and 13264(a)] are waived for discharges listed in Attachment A, Section A. Provided all conditions are met, these dischargers need not apply to the Central Coast Water Board, pay fees, or receive a waiver enrollment notification.
2. Waste discharge requirements [Water Code section 13263(a)] are waived for discharges listed in Attachment A, Section B. Applicants seeking enrollment in this General Waiver are required to submit a report of waste discharge, cleanup workplan, or other documentation that provides sufficient information to demonstrate compliance with the appropriate waiver conditions. Enrollment under Section B does not require a fee payment. However, in most cases Water Board staff oversight costs will be reimbursed through the cleanup cost recovery program. Applicants are not authorized to discharge pursuant to this General Waiver until the Executive Officer notifies the applicant that they have been enrolled.
3. Waste discharge requirements [Water Code section 13263(a)] are waived for discharges listed in Attachment A, Section C. An applicant seeking enrollment in this General Waiver is required to submit a report of waste discharge that provides sufficient information to demonstrate compliance with the appropriate waiver conditions. The report of waste discharge must include a one-time fee equal to the minimum annual fee identified in the fee schedule (section 2200.6 of title 23 of the California Code of Regulations). Applicants are not authorized to discharge pursuant to this General Wavier until the Executive Officer notifies the applicant that they have been enrolled.
4. The Executive Officer may tentatively enroll proposed discharges not listed in Attachment A, provided the discharges meet all general conditions listed in the General Waiver and any additional site-specific or discharge-specific conditions prescribed by the Executive Officer. These discharges require a report of waste discharge including a onetime fee equal to the minimum annual fee identified in the fee schedule (section 2200.6 of title 23 of the

California Code of Regulations). Tentative enrollments will be brought before the Central Coast Water Board at a regularly scheduled meeting for approval.

5. Central Coast Water Board staff will continue to track waiver enrollees using the California Integrated Water Quality System (CWIQS) database.
6. Issuance of a waiver will not override other more stringent local, state, or federal regulations prescribed by other agencies or departments.

Where waste discharge requirements have been issued by the Central Coast Water Board, the discharger may not obtain a waiver of those waste discharge requirements without approval by the Central Coast Water Board following a public hearing. Thus, the procedure described above cannot be used to modify any existing order of the Central Coast Water Board. Central Coast Water Board staff will use past self-monitoring reports and inspection reports in evaluating whether a waiver or waste discharge requirements is appropriate for the discharge.

ENVIRONMENTAL SUMMARY

The Central Coast Water Board is the lead agency pursuant to the California Environmental Quality Act (CEQA) (Public Resources Code sections 21100 et seq.). The Central Coast Water Board, acting as the lead agency for this project under CEQA, conducted an initial study in 2002 in accordance with California Code of Regulations (CCR), title 14, section 15063. The Central Coast Water Board adopted a negative declaration on October 11, 2002, concurrently with the adoption of Order R3-2002-0115, *Waiver of Waste Discharge Requirements for Specific Types of Discharges*. The Central Coast Water Board prepared an addendum to the negative declaration, and therefore, consistent with title 14, CCR section 15162, the Central Coast Water Board is not required to prepare a subsequent environmental impact report or negative declaration in adopting this General Waiver. The Central Coast Water Board has determined that no significant changes are present in the updated General Waiver, there have not been any substantial changes with respect to the circumstances under which the General Waiver is undertaken, and there is no new information of substantial importance. Therefore, the addendum to the negative declaration is sufficient.

NOTIFICATION AND WRITTEN COMMENTS

The Central Coast Water Board has notified the interested agencies and persons of its intent to waive waste discharge requirements for discharges identified in Attachment A and has provided an opportunity to submit written comments. The draft General Waiver was posted on the Central Coast Water Board website on June 17, 2019. Notification was provided through direct mailing to interested agencies and persons, which included non-governmental organizations, municipalities, private companies, water supply agencies, wineries, and other existing waiver enrollees. Written comments are due no later than July 26, 2019.

Comments

Pending

Response to Comments

Pending

Recommendation

Pending

Attachments

1. Order No. R3-2019-0089 with attachments
2. Order No. R3-2014-0041

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